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BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Joint Application of AMERICAN AIRLINES, INC.; and THE TACA GROUP under 49 U.S.C. 41308 and 41309 for approval of and antitrust immunity for agreement	Docket OST-00-7088 — 8

AMERICAN AIRLINES, INC., et al., and THE TACA GROUP RECIPROCAL CODESHARE SERVICE PROCEEDING	Docket OST-96-1700 —152

JOINT ANSWER OF THE TACA GROUP
AND AMERICAN AIRLINES, INC. TO
MOTION OF DELTA AIR LINES, INC.

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April 12, 2000

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JOINT ANSWER OF THE TACA GROUP
AND AMERICAN AIRLINES, INC. TO
MOTION OF DELTA AIR LINES, INC.

The TACA Group and American Airlines, Inc. hereby jointly answer the Motion submitted on April 3, 2000, by Delta Air Lines, Inc. to require TACA and American to produce additional documents and information in connection with the above-captioned joint applications for the renewal and expansion of the existing TACA/American codeshare authority and for antitrust immunity.

Delta's motion is simply another in a long string of attempts by Delta and other airlines to frustrate and delay implementation of a viable TACA/American alliance, and it should be flatly rejected as such. The material Delta wants the Department to obtain from American and TACA would not only be extremely burdensome for the applicants to develop and produce (indeed, TACA literally could not produce much of the information as requested by Delta), it is also completely unnecessary for the Department's review and consideration of the pending applications. Ironically, Delta's request comes at a time when competition in U.S.-Latin American markets has never been stronger, and when consumers of air travel in those markets are benefiting as never before.[1]

TACA and American have already provided the Department with more than sufficient information and documents with which to evaluate and approve the two joint applications. Anticipating the Department's need for relevant additional information and documents, the TACA/American immunity application specifically included responses to the same evidence requests that the Department issued in the Northwest/KLM/Alitalia antitrust immunity proceeding, Order 99-5-10, May 21, 1999. See Joint Application of American Airlines, Inc. and the TACA Group for Antitrust Immunity, March 17, 2000, at 31 and ff. The same data and documents are also relevant to the joint application of TACA and American for renewal and amendment of their codesharing authority.

Delta's "wish list" of evidence requests goes far beyond what is necessary to assess the pending applications, and ventures into the territory of pure harassment. Among the many particular problems with Delta's eight requests are these:

[1] Delta itself is playing a leading role in the expansion and increased competitiveness of U.S.-Latin American markets. According to Delta's Chairman and CEO, Leo F. Mullin, "Delta's growth in Latin America exceeds that of other major U.S. airlines. In fact," he continued, " DOT reports for the 12 months ending in September 1999 comparing Delta, American, Continental, and United show us in first place for annualized operating margin." Delta Press Release, April 11, 2000 (attached hereto). Mark Drusch, a Senior Vice President at Delta, singled out Delta's Costa Rica service as being particularly profitable. Aviation Daily, "Latin America Is Delta's Top Priority for Growth, Profits," April 12, 2000 (attached hereto). Delta claims that Atlanta is the fastest-growing gateway to Latin America, and, as Atlanta grows, Mr. Drusch predicted, Miami's control of Latin American service "will continue to shrink." Id. He proclaimed that "[t]he only thing limiting [Delta] now is bilateral opportunities." Id. Outside of the world of Departmental filings, in other words, Delta clearly does not see the American/TACA alliance as a competitive obstacle to its recent or to its future growth in this part of the world.

Request No. 1. Delta first asks that the joint applicants explain why their proposed arrangement is exclusive, citing Paragraph 9 of the Alliance Agreement. This request is a red herring: the arrangement is not exclusive. While the original 1996 agreement to which Delta refers included a partial exclusivity clause, one of the conditions of the Department's May 1998 approval of the TACA/American codeshare was the non-enforcement of any exclusivity provision. Final Order, Order 98-5-26, May 20, 1998, at 23. TACA and American agreed to that condition in 1998; they have adhered to that condition; and they will continue to adhere to that condition so long as it is in effect.

Request No. 2. Delta next asks that TACA detail its efforts to enter into codeshare arrangements with other U.S. carriers, and that it explain why it found any such proposals to be commercially unacceptable. Quite apart from the fact that TACA has not maintained any detailed records of its codeshare negotiations with other U.S. carriers, seeking this type of information would take the Department into a whole new level of regulation. The relevant question is whether the alliance under consideration is consistent with the public interest, not whether TACA should or should not have pursued particular negotiating strategies with particular carriers. The Department should not be placed in a position where it is asked to evaluate the relative commercial advantages or disadvantages of various proposals. If Delta has a specific complaint that competition has somehow been restricted by an alleged exclusionary agreement, of course, then it can and should file a complaint under 49 U.S.C. § 41712 (prevention of unfair practices and methods of competition). It will not do so, however, because no anticompetitive agreement has been or will be implemented.

Request No. 3. Delta's third putative request seeks copies of all studies, surveys, analyses, and reports which identify, examine, forecast, and/or quantify the effects and benefits of the TACA/American codeshare alliance from May 20, 1998, when the codeshare agreement was initially approved, to the present. To the extent that TACA and American had any such documents, they were voluntarily produced on March 17, 2000, in Docket OST-00-7088.

Request No. 4. In this request, Delta would require TACA and American to provide absurdly detailed information concerning their prospective arrangements with third party airlines throughout the world. Indeed, the punitive request itself continues for more than a page in length. This request is plainly objectionable because it seeks competitively-sensitive information that has little if any bearing on the joint applications at issue or on competition in U.S.-Central America markets. TACA has codeshare arrangements with only two carriers other than American – Air France, which is Delta's partner, and Avianca. Both of those codeshares are limited in scope. American has codeshares with many airlines around the world, all of which are a matter of public record at the Department. While American's future intentions with respect to its codeshare partners would no doubt be of significant competitive interest to Delta, that has little to do with the joint applications at issue.

Request No. 5. Delta's fifth request would require TACA and American to provide copies of all internal documents, since January 1996, that discuss, consider, or analyze the impact of the display of codeshare arrangements in computer reservations systems on travel agency bookings, airline sales, and airline market shares. This request concerns an issue that clearly transcends the TACA/American codeshare. To the extent that the treatment of codeshares in computer reservations systems warrant the Department's attention, every existing and proposed codeshare arrangement is implicated; there is nothing unique about the TACA/American codeshare in this regard. It would therefore be unjustly discriminatory to single out the Department's consideration of the TACA/American applications on this ground.

In any event, TACA and American do not believe they have any documents that would be responsive to Request No. 5.

Request No. 6. Delta asks (with multiple subordinate requests) that TACA and American provide traffic and revenue forecasts for all markets that will be affected by their codeshare arrangement. TACA and American do not have any such forecasts. Developing them would be a very burdensome, costly, and complicated endeavor, and one Delta is fully capable of doing on its own.

Request No. 7. This request asks TACA and American to identify the extent to which traffic and revenue forecasts for TACA/American will be stimulated versus diverted from other U.S. carriers (by carrier) if the revised codeshare and immunity applications are approved. Again, Delta itself has a sophisticated network forecasting model that should contain the necessary logic to measure stimulation and diversion; it is fully capable of performing its own analysis.

Request No. 8. Finally, Delta seeks detailed directional origin and destination data for all itineraries operated by American and/or TACA that involve a U.S.-Central America segment between a Central American city and Miami, arranged by quarter from April 1998 to the present, and grouped by airport origin, airport destination, directionality, number of directional coupons, operating carrier, and fare class. Delta can obtain the requested information itself from CRS marketing information data tapes (MIDT). TACA and American, moreover, already provide a statistically relevant sampling of the requested data each month to the Department.

* * * *

TACA and American filed their initial request for codeshare authority in 1996. Because of the opponents' requests for additional information and documents, and other stalling tactics, approval of the initial codeshare was delayed for two years, while new competitive U.S. carrier service started soon after the Open Skies bilaterals with Central American nations were signed. The Department should reject Delta's renewed effort in connection with the pending applications to prevent the TACA Group from being able to enjoy the benefits that have been made available to numerous other carriers under Open Skies agreements with the United States.

Respectfully submitted,

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April 12, 2000

Tuesday April 11, 11:59 am Eastern Time

Company Press Release

SOURCE: Delta Air Lines, Inc.

Delta Celebrates Latin American Expansion; Carrier's Daily Flights To Latin America Have Expanded From Four in 1997 to More Than 50 Today

ATLANTA, April 11 /PRNewswire/ -- Delta Air Lines (NYSE: DAL - news) today celebrates its three-year expansion into Latin America.

In 1997, Delta announced its intentions to become a competitive force in the U.S.-Latin America market. At that point, Delta only provided daily service to four Latin American cities -- Sao Paulo and Rio de Janeiro, Brazil; and Mexico City and Guadalajara, Mexico.

Today, the carrier offers service with its codeshare partners to more than 50 destinations in 13 Latin American countries.

During the carrier's Latin American celebration today, Leo F. Mullin, chairman and chief executive officer, said, ``Delta's expansion from Atlanta to Latin America has been extremely successful.

`'When we announced our plan in 1997 to develop Atlanta as a new gateway to Latin America, there was much skepticism. But we knew that 55 percent of the passengers going to Miami were actually connecting to other destinations. And we knew there was no finer connecting point in the U.S. than Hartsfield Atlanta International Airport."

More than 1.1 million Latin American passengers travel annually through Atlanta connecting to 163 cities with non-stop service. Delta offers hourly connections for passengers traveling from Latin America to U.S. destinations such as Washington D.C., New York, Boston, Philadelphia and Chicago. International passengers can connect to 18 cities in Europe through Atlanta, while taking advantage of the new International In-Transit Lounge for added comfort during lengthy connecting times.

U.S. Department of Transportation research indicates that the Latin American market will grow by more than 6 percent annually over the next 12 years. ` 'This is stronger sustained growth than we expect in U.S. markets," Mullin added.

`` Delta's growth in Latin America exceeds that of other major U.S. airlines. In fact, DOT reports for the 12 months ending in September 1999 comparing Delta, American, Continental and United show us in first place for annualized operating margin. These numbers show that Delta is growing in Latin America, and we're growing on a solid base, with a long-term strategy. This is fantastic performance," Mullin said.

At the present time, Delta has applications pending with DOT for authority to service Buenos Aires, Bogota and Montevideo. Today, the carrier announced it would start daily, nonstop service between Atlanta and Santiago, Chile on November 1, 2000.

In talking about Delta's growth in Latin America, Jorge Fernandez, Delta's director - Latin America, said, `` We know that Latin America holds great, sustained potential for us to grow and be successful. We also understand the United States has much to share with the region. A strong transportation system between the two regions will benefit the economic sector in both the U.S. and Latin America. Our goal is to promote travel as a partner -- in that way all of us benefit."

Delta, named `` Best-Managed Major Airline" for 1999 by Aviation Week & Space Technology magazine, is the world's most flown carrier. A record 106 million passengers traveled on Delta in 1999. Delta, Delta Express, Delta Shuttle, the Delta Connection carriers and Delta's Worldwide Partners operate 5,465 flights each day to 364 cities in 61 countries. Delta's Web site is www.delta-air.com .

SOURCE: Delta Air Lines, Inc.

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Wednesday, April 12 2000

FAA, NTSB Explore Requiring Video Cameras In Airline Cockpits

Latin America Is Delta's Top Priority For Growth, Profits

Transformer Failure Triggers Power Outage At Washington National

Northwest To Add Airbus A319, A320 To Its Memphis Base

Singapore Airlines Buys 8.4 Percent Stake In Air New Zealand

Rising Fuel Costs Blamed For Austrian's 60 Percent Profit Decline

SAS Signs Contract To Buy More Airbus Aircraft

'BullsEye' Scanner To Improve Baggage Transfer At United

Travel Industry Supports Permanent Visa Waiver Program

NTSB said the image recorder should have a two-hour duration at a minimum and "be capable of recording, in color, a view of the entire cockpit, including each control position and each action" by pilots in the cockpit. The board recommends that all aircraft made after Jan. 1, 2003, be equipped with "two crash-protected cockpit image recording systems" with the same capabilities. It said that circuit breakers for the systems, as well as for the CVR and DFDR, "should not be accessible to the crew during flight." Video recorders should be equipped with an independent, auxiliary power supply as well. There was no discussion of cost or who would bear it.

Hall called for "aggressive training" in the common air traffic control phraseology for pilots whose native language is not English and for controllers in non-English countries communicating with English-speaking pilots. A third issue arising out of the EgyptAir Flight 990 crash, Hall said, is psychological profiling of crew members. Some airlines do psychological testing when hiring pilots, "We have found no indication of a mechanical or weather-related event that could have caused this crash," Hall said of the EgyptAir crash. NTSB is not yet prepared to state the cause. Hall testified that seven recent crash investigations would have been aided by cockpit video recorders. He said the privacy of pilots can be protected. Rep. Ray LaHood (R-III.), one of the strongest objectors on the subcommittee to cameras, asked if cameras could have helped in recent investigations. "Yes sir, I do," Hall replied. NTSB's mandate, in addition to investigations, is to make recommendations to prevent accidents, and cameras would help. In TWA 800, Hall said cameras would have shown the fuel flow indicator, while cockpit visibility and smoke would have been evident if video were available in the Swissair and ValuJet accidents.

Robert Frenzel, senior VP for aviation safety and operations of the Air Transport Association, said ATA would acknowledge that a cockpit video of the doomed EgyptAir flight and possibly the Swissair accident would be helpful. "It's a stretch," however, he said, to assume that a camera aimed and focused on the instrument panel is going to provide the 'golden nugget' that solves the mystery. And yet, some believe that to be the case." Duane Woerth, president of the Air Line Pilots Association International, said that cockpit video "is an egregious invasion of privacy for minimal, if any, safety data." Air safety would be far better served by continuing focus on improved flight recorders and "pro-active safety programs," Woerth added.

Back to Headlines

Latin America Is Delta's Top Priority For Growth, Profits

Latin American routes are the most profitable, fastest-growing and the most important growth market in the world for Delta, according to Fred Reid, executive VP and chief marketing officer. Speaking with journalists yesterday in Atlanta, Delta's senior management was very clear that its burgeoning Latin American network is making money for the airline and that its aggressive expansion will continue. With an operating margin of better than 15% and an average load factor of roughly 72%, Delta plans to become a "major player and leader" in Latin America over the next three years, Reid told The DAILY. Starting from a virtually non-existent base of flights to the region, Delta's capacity to Latin America from its Atlanta hub have soared 1,000% since 1995, and the carrier plans to double its total weekly capacity to Latin America from Atlanta, Senior VP of Network Management Mark Drusch said. "It's really a no brainer," he said. Even with the large capacity influx, Drusch believes the "the revenue increase will correspond with the capacity increase." The airline plans to start its previously announced Santiago, Chile, service from Atlanta on Nov. 1 with Boeing 767 equipment. "The only thing limiting us now is bilateral opportunities," Drusch added. Delta currently has applications pending with DOT for authority to service Buenos Aires, Bogota and Montevideo.

Delta had a rough start following its Latin American launch, but Chief Executive Leo Mullin said he expects the Latin American market will have "stronger sustained growth" than the U.S. domestic market. "It's hard to ignore that great potential," he added. Delta also had no problem highlighting that its growth and profitability in Latin America exceed that of other U.S. majors serving the region. One of its advantages, executives said, is its Atlanta hub. The carrier is looking to transform the facility into a Latin American gateway and gain market share from American's Miami hub and Continental at Houston.

Delta already claims Atlanta as the fastest-growing gateway to Latin America, and Drusch, a former Continental executive, predicted that Miami's control of the Latin American service "will continue to shrink." While many analysts and competitors publicly questioned Delta's strategy when was announced in 1997, Drusch said Delta is having the last laugh. He specifically remembers that Continental Chief Executive Gordon Bethune said Delta's plan would fail. "Gordon was very wrong and Delta was very right," Drusch said. Delta's research shows that Latin American traffic from the eastern U.S. is growing faster than the western portion of the country.

"Atlanta is like a magnet," Drusch said. "The hub fills planes very quickly and profitably." Atlanta also has a "very vibrant" Latin American population, he added. The airline already has seen revenue benefits from its partnership with AeroMexico and operates code-share routes with Transbrasil to seven cities. Mullin said yesterday the airline is continuing to look at partner opportunities in the region and would consider taking an equity partnership. Delta had bought a stake in now bankrupt AeroPeru, but Mullin said its "participation in AeroPeru is effectively over." Drusch said the airline has the "perfect fleet" operating in Latin America, including Boeing 737-800s, 757s, 767s and MD-11s on its longest routes. Its Sao Paulo route has been particularly successful and profitable "from day one." Its Costa Rica service has seen average load factors as high as 93%

and "makes a lot of good money" for the airline. Delta also announced yesterday it will launch its new advertising campaign in key Latin American markets in August.

Back to Headlines

Transformer Failure Triggers Power Outage At Washington National

Failure of a transformer sparked a power outage in the air traffic control tower Monday night at Washington National Airport, causing 12 aircraft to be diverted, 20 flight cancellations and two arrival and two departure delays. FAA said the flight interruptions could have been worse but for the 7:45 p.m. time of the failure. The transformer, owned by the Metropolitan Washington Airports Authority, provided power to two elevators used by controllers. When the power interruption occurred, the tower transferred to a battery-powered generator, which FAA said, "experienced the same sort" of short circuit. The batteries were depleted by about 8:30 p.m. FAA said commercial power was restored about 3 a.m. and recertified about 4:15 a.m. The airport authority said it does not yet know what caused the transformer, located next to a major electrical panel for FAA facilities, to arc. "We are going to look at the location of the transformer to see if it needs to be relocated," a spokeswoman said.

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Northwest To Add Airbus A319, A320 To Its Memphis Base

Northwest will add Airbus A319 and A320 aircraft to its Memphis base beginning in September, and add 160 pilot positions there. Northwest will take delivery of 10 of the new aircraft this year and next, 24 in 2002, 25 in 2003 and one in 2004.

Back to Headlines

Singapore Airlines Buys 8.4 Percent Stake In Air New Zealand

Cash-rich Singapore Airlines (SIA) has spent NZ$140 million (US$69.6 million) to buy an 8.4% stake in Air New Zealand, ending a 12-month battle for control of that airline and Ansett Australia. SIA tried to buy 50% of Ansett from Rupert Murdoch's News Corp. for A$500 million (US$300 million) in March 1999, but that bid was thwarted by co-owner ANZ, which owned the rights to the shares. That move set off a 12-month battle for control of Ansett, which came to a head

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document by first-class mail on all persons named on the attached service list.

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April 12, 2000

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